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EXAMINER

GILLIS, BRIAN J

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/761,584
Filing Date: January 22, 2004
Appellant(s): TUOMI, JUKKA

Alicia M. Choi
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 24, 2008 appealing from the Office action mailed May 13, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,785,704	McCanne	8-2004
WO 00/64104 A1	Roos	10-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 11, 13, 14, 16-21, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by McCanne (US Patent #6,785,704).

(Claim 1 discloses) an apparatus, comprising: an access controller connected to an access network and a domain, wherein the access network is configured to attach to user equipment (McCanne shows an APAR-DNS server provides access to a client by connecting to the client and to content servers (Figure 2, column 31, lines 10-23).); wherein said access controller is configured to control resolving of domain name information for both server addresses within said domain or accessible via said domain, and server addresses that are not within said domain or accessible via said domain (McCanne shows the APAR-DNS server controls address resolution for any domain (column 16, lines 34-56).); and wherein said access controller is configured to: receive from said user equipment a query identifying a domain name (McCanne shows a query with identifying the domain name is sent by the client (column 17, lines 53-60).); and in response to a determination that said user equipment is authorized and there is specified for said domain name a server address within said domain or accessible via

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said domain resolve domain name information for said domain name within said domain (McCanne shows the APAR-DNS server receives the query and if the client is authorized then the domain name is resolved into an IP address for the content server (column 31, lines 10-23).); and in response to a determination that the user equipment is not authorized and/or that there is no specified server address for said domain name within said domain or accessible via said domain resolve the domain name information for said domain name outside said domain (McCanne shows if the client is not authorized then an address the content server will ignore is returned (column 31, lines 10-23)).

(Claim 2 discloses) an apparatus as claimed in claim 1, wherein said access network comprises one of: an internet protocol based network independent of access method; a wireless local area network; a digital subscriber line network; an ethernet; a general packet radio service network; a third generation wireless network; and a wireless personal area network (McCanne shows a standard TCP/IP network is used (column 7, line 66 – column 8, line 5)).

(Claim 3 discloses) an apparatus as claimed in claim 1, wherein said domain is a mobile operator operated domain (McCanne shows various network architectures may be used (column 8, lines 37-49)).

(Claim 5 discloses) an apparatus as claimed in claim 1, comprising an authorization server function wherein said access controller is configured to determine if said user equipment is authorized by communication with said authorization server

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function (McCanne shows the APAR-DNS server uses an authorization function (column 31, lines 10-23)).

(Claim 11 discloses) an apparatus as claimed in claim 1, wherein the access controller is configured to in response to a determination that said user equipment is not authorized resolve said domain name at a server of the access network (McCanne shows if the client is not authorized then the request may be resolved to elsewhere (column 31, lines 10-23)).

(Claim 13 discloses) a system, comprising: user equipment (McCanne shows clients are used (Figure 2).); an access network to which said user equipment is configured to attach (McCanne shows the user is connected to a APAR-DNS server which provides access to resources (Figure 2, column 31, lines 10-23).), an access controller configured to connect to said access network (McCanne shows the APAR-DNS server controls access (Figure 2, column 31, lines 10-23).); and a domain to which said access controller is connected (McCanne shows the APAR-DNS server provides access to the content network (Figure 2, column 31, lines 10-23).); wherein said access controller is configured to control resolving of domain name information for both server addresses within said domain or accessible via said domain, and server addresses that are not within said domain or accessible via said domain (McCanne shows the APAR-DNS server controls address resolution for any domain (column 16, lines 34-56).); and wherein said access controller is configured to: receive from said user equipment a query identifying a domain name (McCanne shows a query with identifying the domain name is sent by the client (column 17, lines 53-60).); and in response to a determination

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that said user equipment is authorized and there is specified for said domain name a server address within said domain or accessible via said domain resolve domain name information for said domain name within said domain (McCanne shows the APAR-DNS server receives the query and if the client is authorized then the domain name is resolved into an IP address for the content server (column 31, lines 10-23).); and in response to a determination that the user equipment is not authorized and/or that there is no specified server address for said domain name within said domain or accessible via said domain resolve the domain name information for said domain name outside said domain (McCanne shows if the client is not authorized then an address the content server will ignore is returned (column 31, lines 10-23)).

(Claim 14 discloses) a system as claimed in claim 13, wherein said access controller is configured to determine when said user equipment is authorized by communication with an authorization server function (McCanne shows the APAR-DNS server uses an authorization function (column 31, lines 10-23)).

(Claim 16 discloses) a system as claimed in claim 13, wherein said access controller is configured to in response to a determination that said user equipment is not authorized resolve domain name information for said domain name at a server of said access network (McCanne shows if the client is not authorized then the request may be resolved to elsewhere (column 31, lines 10-23)).

(Claim 17 discloses) a method, comprising: receiving at an access controller connected to a domain and an access network from user equipment attached to said access network a query identifying a domain name (McCanne shows a query with

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identifying the domain name is sent by the client (column 17, lines 53-60).); and in response to a determination that said user equipment is authorized and there is specified for said domain name server address within said domain name within said domain (McCanne shows the APAR-DNS server receives the query and if the client is authorized then the domain name is resolved into an IP address for the content server (column 31, lines 10-23).); and in response to a determination that said user equipment is not authorized and/or that there is not specified server address for said domain name within said domain or accessible via said domain resolving the domain name information for said domain name outside said domain (McCanne shows if the client is not authorized then an address the content server will ignore is returned (column 31, lines 10-23)).

(Claim 18 discloses) an apparatus, comprising: receiving means for receiving at an access controller connected to an access network and a domain from user equipment attached to said access network a query identifying a domain name (McCanne shows a query with identifying the domain name is sent by the client (column 17, lines 53-60).); and controlling means for in response to a determination that said user equipment is authorized and there is specified for said domain name a server address within said domain or accessible via said domain resolving domain name information for said domain name within said domain (McCanne shows the APAR-DNS server receives the query and if the client is authorized then the domain name is resolved into an IP address for the content server (column 31, lines 10-23).); and in response to a determination that said user equipment is not authorized and/or that there

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is not specified server address for said domain name within said domain or accessible via said domain resolving domain name information for said domain name outside said domain (McCanne shows if the client is not authorized then an address the content server will ignore is returned (column 31, lines 10-23)).

(Claim 19 discloses) a method as claimed in claim 17, wherein said access network comprises one of: an internet protocol based network independent of access method; a wireless local area network; a digital subscriber line network; an ethernet; a general packet radio service network; a third generation wireless network; and a wireless personal area network (McCanne shows a standard TCP/IP network is used (column 7, line 66 – column 8, line 5)).

(Claim 20 discloses) a method as claimed in claim 17, wherein said domain is a mobile operator operated domain (McCanne shows various network architectures may be used (column 8, lines 37-49)).

(Claim 21 discloses) a method as claimed in claim 17, comprising determining if said user equipment is authorized by communicating with an authorization server function (McCanne shows the APAR-DNS server uses an authorization function (column 31, lines 10-23)).

(Claim 26 discloses) a method as claimed in claim 17, comprising in response to a determination that said user equipment is not authorized, resolving domain name information for said domain name at a server of said access network (McCanne shows the APAR-DNS server uses an authorization function (column 31, lines 10-23)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne (US Patent #6,785,704) in view of Roos (WIPO WO 2000/64104).

Claim 6 discloses an apparatus as claimed in claim 5, wherein said authorization server function comprises information defining a profile for said user equipment. McCanne teaches the limitations of claim 5 as recited above. It fails to teach said authorization server function comprises information defining a profile for said user equipment. Roos teaches the authentication server stores authorization information for users (figure 3).

McCanne and Roos are analogous art because they are both related to connecting a network device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the storage feature in Roos with the system in McCanne because this ensures a user as permission to establish a connection with the network (Roos, page 8, lines 24-26).

Claim 7 discloses an apparatus as claimed in claim 5, wherein said authorization server function is configured to provide attributes to said access controller, said access

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controller configured to determine session parameters for said user equipment based on said attributes. McCanne teaches the limitations of claim 5 as recited above. It fails to teach said authorization server function is configured to provide attributes to said access controller, said access controller configured to determine session parameters for said user equipment based on said attributes. Roos teaches the allowed services for each user is stored (figure 3, page 9, lines 19-26).

McCanne and Roos are analogous art because they are both related to connecting a network device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the storage feature in Roos with the system in McCanne because this ensures a user as permission to establish a connection with the network (Roos, page 8, lines 24-26).

Claim 22 discloses a method as claimed in claim 21, wherein said authorization server function comprises information defining a profile for said user equipment. McCanne teaches the limitations of claim 21 as recited above. It fails to teach said authorization server function comprises information defining a profile for said user equipment. Roos teaches the authentication server stores authorization information for users (figure 3).

McCanne and Roos are analogous art because they are both related to connecting a network device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the storage feature in Roos with the system in McCanne because

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this ensures a user as permission to establish a connection with the network (Roos, page 8, lines 24-26).

Claim 23 discloses a method as claimed in claim 21, wherein said authorization server function provides attributes to said access controller, and wherein the method further comprises determining session parameters for said user equipment based on said attributes. McCanne teaches the limitations of claim 21 as recited above. It fails to teach said authorization server function provides attributes to said access controller, and wherein the method further comprises determining session parameters for said user equipment based on said attributes. Roos teaches the allowed services for each user is stored (figure 3, page 9, lines 19-26).

McCanne and Roos are analogous art because they are both related to connecting a network device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the storage feature in Roos with the system in McCanne because this ensures a user as permission to establish a connection with the network (Roos, page 8, lines 24-26).

Claims 8-10, 15, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne (US Patent #6,785,704) in view of Westman et al (WIPO WO 2002/47415).

Claim 8 discloses an apparatus as claimed in claim 1, wherein said access controller is configured to provide an authorization function in the event that said query received from said user equipment identifies said access controller. McCanne teaches

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the limitations of claim 1 as recited above. It fails to teach said access controller is configured to provide an authorization function in the event that said query received from said user equipment identifies said access controller. Westman et al teaches a DNS query is sent and indicates the name of the server (page 10, lines 5-15).

McCanne and Westman et al are analogous art because they are both related to providing network access to a device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use authorization if the access controller is identified feature in Westman et al with the system in McCanne because finding a serving network element is enabled to be quick and easy (Westman, page 2, lines 4-6).

Claim 9 discloses an apparatus as claimed in claim 1, wherein said access controller is configured to provide an authorization function in the event that said query received from said user equipment identifies said access controller as a primary domain name server. McCanne teaches the limitations of claim 1 as recited above. It fails to teach said access controller is configured to provide an authorization function in the event that said query received from said user equipment identifies said access controller as a primary domain name server. Westman et al teaches a DNS query is sent to the identified DNS server (page 10, lines 5-15).

McCanne and Westman et al are analogous art because they are both related to providing network access to a device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use authorization if the access controller is identified feature in

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Westman et al with the system in McCanne because finding a serving network element is enabled to be quick and easy (Westman, page 2, lines 4-6).

Claim 10 discloses an apparatus as claimed in claim 8, wherein said query comprises a dynamic host configuration protocol query. Westman et al further teaches the use of DHCP queries (page 18, lines 23-35).

Claim 15 discloses a system as claimed in claim 13, wherein said access controller is configured to provide an authorization function in the event that the query received from said user equipment identifies said access controller. McCanne teaches the limitations of claim 13 as recited above. It fails to teach said access controller is configured to provide an authorization function in the event that the query received from said user equipment identifies said access controller. Westman et al teaches a DNS query is sent and indicates the name of the server (page 10, lines 5-15).

McCanne and Westman et al are analogous art because they are both related to providing network access to a device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use authorization if the access controller is identified feature in Westman et al with the system in McCanne because finding a serving network element is enabled to be quick and easy (Westman, page 2, lines 4-6).

Claim 24 discloses a method as claimed in claim 17, further comprising providing an authorization function in the event that said query received from said user equipment identifies said access controller. McCanne teaches the limitations of claim 17 as recited above. It fails to teach providing an authorization function in the event that said query

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received from said user equipment identifies said access controller. Westman et al teaches a DNS query is sent and indicates the name of the server (page 10, lines 5-15).

McCanne and Westman et al are analogous art because they are both related to providing network access to a device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use authorization if the access controller is identified feature in Westman et al with the system in McCanne because finding a serving network element is enabled to be quick and easy (Westman, page 2, lines 4-6).

Claim 25 discloses a method as claimed in claim 17, further comprising providing an authorization function in the event that said query received from said user equipment identifies said access controller as a primary domain name server. McCanne teaches the limitations of claim 1 as recited above. It fails to teach providing an authorization function in the event that said query received from said user equipment identifies said access controller as a primary domain name server. Westman et al teaches a DNS query is sent to the identified DNS server (page 10, lines 5-15).

McCanne and Westman et al are analogous art because they are both related to providing network access to a device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use authorization if the access controller is identified feature in Westman et al with the system in McCanne because finding a serving network element is enabled to be quick and easy (Westman, page 2, lines 4-6).

(10) Response to Argument

Issue A

Applicant asserts the prior art of McCanne does not disclose controlling the resolving of domain name information for both server addresses within a domain or accessible via said domain and also server addresses that are not within a domain or accessible via a domain as stated in claims 1, 13, 17, and 18.

Response to Issue A

The Examiner respectfully disagrees, McCanne shows APAR-DNS servers control the address resolution for any domain (column 16, lines 34-56) and further shows the APAR-DNS server determines if a client is authorized or not and if authorized the APAR-DNS server responds to the request with a resolution of the domain name. If the client does not appear to be authorized the APAR-DNS server resolves the request to an address that is ignored or outside the domain (column 31, lines 10-23).

Issue B

Applicant asserts the prior art of McCanne in view of Roos does not disclose or teach controlling the resolving of domain name information for both server addresses within a domain or accessible via said domain and also server addresses that are not within a domain or accessible via a domain as stated in claims 1 and 17 which claims 6, 7, 22, and 23 depend from.

Response to Issue B

The Examiner respectfully disagrees and refers back to the Response to Issue A which addresses the arguments with regards to the independent claims.

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Issue C

Applicant asserts the prior art of McCanne in view of Westman et al does not disclose or teach controlling the resolving of domain name information for both server addresses within a domain or accessible via said domain and also server addresses that are not within a domain or accessible via a domain as stated in claims 1, 13, and 17 which claims 8-10, 15, 24, and 25 depend from.

Response to Issue C

The Examiner respectfully disagrees and refers back to the Response to Issue A which addresses the arguments with regards to the independent claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/B. J. G./

Brian Gillis
Examiner
Art Unit 2441
12/29/2008

/Larry D Donaghue/
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Supervisory Patent Examiner, Art Unit 2454